

Remarks

Claims 33-46 are pending. Claims 33, and 40-44 have been amended and new claims 47 and 48 are added.

35 U.S.C. §112 Rejections

Claim 40 has been amended to clarify that it is directed toward a system.

Claims 41-44 have been amended to clarify the claims.

35 U.S.C. §102 Rejections

Claims 33-46 are rejected under 35 U.S.C. §102(b) as being anticipated by Llenas, et al.

Applicant thanks the Examiner for conducting the telephone interview on August 28, 2003. During the interview it was emphasized that the key codes are selected randomly, unlike Llenas' game clues, which are specific to a particular game, and are not random. Also discussed was that to access and play the game pursuant to Applicant's claimed invention, the viewer, using the key code, establishes contact through a telecommunications network such as a telephone or computer, whereas Llenas' game is displayed on a TV without the need for the key-coded, telecommunications access. As understood, the Examiner suggested emphasizing these points in this Amendment and Response.

The Examiner considers "game clues" analogous to a "key code generator" (office action paragraph 5, line 3). The two items are not analogous, and therefore, Llenas does not disclose Applicant's claimed key code generator. The claimed key codes are used to access a game - they are not themselves game clues. In Llenas' FIG. 4a, game clues are provided on a

TV screen within a TV program, and then a telephone number is given that a viewer can call with the solution to the game. The game of the claimed present invention is not necessarily viewed within a TV program, although it can be. The game is contained in a game program on a computer to which a viewer must gain access by a computer or telephone, or other telecommunications system (present invention, FIG. 2, part 21). In other words, the claimed invention requires entering a key code, obtained by prolonged viewing of a TV program, to establish contact with a computer that stores the game (and its clues) via a telecommunications network. (p.5, lines 2-5). Llenas only discloses the actual game being presented over a prolonged period of time on the TV.

Even if game clues were in some way analogous to a key code, they differ because in the claimed invention the viewer obtains the entire key code (the solution) over a period of time, whereas Llenas provides limited "clues" that a viewer must analyze to find a solution. Further more, Llenas' clues do not provide access to anything. To the contrary, the claimed invention's key code provides access to a game. The claimed invention provides individual key code elements that are transmitted so that a viewer must compile them over a period of time to generate the entire key code, thereby enabling the viewer to access a game.

Additionally, Llenas' clues are taped (col.7, lines 45-49), not generated randomly as the claimed key code. Applicant's claimed randomly generated key code is clearly not analogous or used in the same manner as Llenas' clues.

The claimed random selection of Applicant's key code (p.1, lines 33-34) is important because it prohibits viewers from sitting in readiness to dial a particular number (p.2, lines 4-9). The automatic selection of key codes further prevents employees from taking advantage of

knowing the code (p.2, lines 29-33). Numerous people may have advanced access to Llenas' game and a telephone number, and therefore, the ability to compete at an unfair advantage.

Applicant claims access to only a predetermined number of viewers (p.2, lines 10-12). Llenas does not disclose a way to limit access to the game.

Significantly, the claimed invention provides access to a game program via a telecommunications network. To the contrary, Llenas merely provides a phone number to call to report solutions to the game. (col. 3, lines 52-57) Llenas' game is not actually "played" via a telecommunications network, such as over a PC or telephone as is claimed by Applicant in new claims 47 and 48. (Support for new claims 47 and 48 can be found on p.2, lines 35-37.)

As noted in previous responses, but in way of further explanation, Llenas does not teach transmitting key code elements in time units within TV programs or commercials. In fact, Llenas teaches away from using TV time or commercial time. (col.7, lines 45-49, col.2, lines 45-64). Llenas explains the disadvantage of using TV or commercial time for games as follows:

One drawback to such a television game, however, is inherent in the use of television air time as a means to convey a message. Television air time is typically very expensive. (col. 2, lines 45-48)

The taped clues 72 cannot be read or viewed except through the detection device 70 such that the display of the clues must necessarily occur during program and commercial breaks, after the detection signals have been detected. (col.7, lines 45-49)

Llenas merely discloses finding black spaces between TV programs and commercials and inserting clues in the black spaces.

The Examiner notes that Llenas teaches using time slots during regular programming. Applicant maintains, as has been previously presented to the Patent Office, that this is not the same as Applicant's claimed TV and commercial time. In fact, Llenas does not mention commercial time as a possible time slot. Applicant's claimed insertion of a random key code into TV program and commercial spots is not disclosed by Llenas (p.1, lines 35-35 and p.2, lines 15-20).

Summary

In summary, Llenas does not disclose random generation of key codes, providing access to a limited number of viewers, viewers establishing contact to the game program via a telecommunications network, nor transmitting key codes during TV or commercial time slots. Therefore, Llenas does not disclose Applicant's claimed invention.

In light of the foregoing, we submit that the entire application is in condition for allowance, which is respectfully requested.

Respectfully submitted,

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